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2 Nevada Bar #003419
3 3017 West Charleston Blvd., #95
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7 Attorney for Plaintiff

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANGELA HERNANDEZ,)
Plaintiff,)
vs.) No.
PATENAUX & FELIX, A)
PROFESSIONAL CORPORATION,)
a foreign corporation,)
Defendant.)

JURY DEMANDED

LAW OFFICES
MITCHELL D. GLINER
3017 W. Charleston Blvd.
Suite 95
Las Vegas, Nevada 89102
(702) 870-8700

COMPLAINT

JURISDICTION

1. The jurisdiction of this Court attains pursuant to the
FDCPA, 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1332,
and the doctrine of supplemental jurisdiction. Venue lies in the
Southern Division of the Judicial District of Nevada as Plaintiff's
claims arose from acts of the Defendant(s) perpetrated therein.

PRELIMINARY STATEMENT

2. This action is instituted in accordance with and to
remedy Defendant's violations of the Federal Fair Debt Collection
Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter "FDCPA"), and
of related state law obligations brought as supplemental claims
hereto.

1 3. In 2010, Defendant initiated a campaign of abusive,
2 unfair, unreasonable, and unlawful debt collection activity
3 directed against Plaintiff.

4 4. As a result of these and other violations of law,
5 Plaintiff seeks hereby to recover actual and statutory damages
6 together with reasonable attorney's fees and costs.

PARTIES

9 5. Plaintiff, Angela Hernandez, is a natural person who
10 resides in Pahrump, Nevada, and is a "consumer" as defined by 15
11 U.S.C. Section 1692a(3) and allegedly owes a "debt" as defined by
12 15 U.S.C. Section 1692a(5).

13 6. Defendant, Patenaude & Felix, a Professional Corporation,
R
14 (P&F) is a foreign corporation, the principal purpose of whose
2
15 business is the collection of debts, operating a debt collection
16 agency from its principal place of business in San Diego, CA, and
17 regularly collects or attempts to collect debts owed or due or
18 asserted to be owed or due another, and is a "debt collector" as
19 defined by 15 U.S.C. Section 1692a(6).

FACTUAL ALLEGATIONS

21 7. Plaintiff(s) repeat, reallege and assert all factual
22 allegations contained in the preliminary statement to this
23 Complaint and reassert them as incorporated in full herein.

24 8. Plaintiff's husband lost his job and has not worked for a
25 very long time.

26 9. Plaintiff's home has been foreclosed.

27 10. Plaintiff is on the cusp of bankruptcy.

1 11. On July 12, 2010, Plaintiff wrote Defendant advising of
2 her refusal to pay (Exhibit 1).

3 12. Plaintiff's written refusal to pay required Defendant to
4 cease and desist all collection communications in accordance with
5 FDCPA § 1692c(c):

6 (c) Ceasing communication - *If a consumer*
7 *notifies a debt collector in writing that the*
8 *consumer refuses to pay a debt or that the*
9 *consumer wishes the debt collector to cease*
10 *further communication with the consumer, the*
11 *debt collector shall not communicate further*
12 *with the consumer with respect to such debt.*

13 13. Defendant received Exhibit 1 on July 13, 2010 (Exhibit
14 2).

15 14. Notwithstanding, on September 1, 2010, Defendant again
16 dunned Plaintiff in violation of FDCPA § 1692c(c) (Exhibit 3).

17 15. The foregoing acts and omissions of Defendant were
18 undertaken by it willfully, maliciously, and intentionally,
19 knowingly, and/or in gross or reckless disregard of the rights of
20 Plaintiff.

21 16. Indeed, the foregoing acts and omissions of Defendant
22 were undertaken by it indiscriminately and persistently, as part of
23 its regular and routine debt collection efforts, and without regard
24 to or consideration of the identity or rights of Plaintiff.

25 17. As a proximate result of the foregoing acts and omissions
26 of Defendant, Plaintiff has suffered actual damages and injury,
27 including, but not limited to, stress, humiliation, mental anguish
28

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1 and suffering, and emotional distress, for which Plaintiff should
2 be compensated in an amount to be proven at trial.

3 18. As a result of the foregoing acts and omissions of
4 Defendant, and in order to punish Defendant for its outrageous and
5 malicious conduct, as well as to deter it from committing similar
6 acts in the future as part of its debt collection efforts,
7 Plaintiff is entitled to recover punitive damages in an amount to
8 be proven at trial.

CAUSES OF ACTION

COUNT I

2 19. The foregoing acts and omissions of Defendant constitute
3 violations of the FDCPA, including, but not limited to, Sections
4 1692c, 1692d and 1692e.

5 20. Plaintiff is entitled to recover statutory damages,
6 actual damages, reasonable attorney's fees, and costs.

COUNT IT

19 21. The foregoing acts and omissions constitute unreasonable
20 debt collection practices in violation of the doctrine of Invasion
21 of Privacy. *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp.
22 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of*
23 *Nevada, Inc.*, 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

24 22. Plaintiff is entitled to recover actual damages as well
25 as punitive damages in an amount to be proven at trial.

JURY DEMANDED

27 Plaintiff hereby demands trial by a jury on all issues so
28 triable.

1 WHEREFORE, Plaintiff prays that this Honorable Court grant the
2 following relief:

3 1. Award actual damages.

4 2. Award punitive damages.

5 3. Award statutory damages of \$1,000 pursuant to 15 U.S.C.

6 § 1692k.

7 4. Award reasonable attorney fees.

8 5. Award costs.

9 6. Grant such other and further relief as it deems just and

10 proper.

Respectfully submitted,

MICHAEL D. GLINER, ESQ.
Nevada Bar #003419
3017 West Charleston Boulevard
Suite 95
Las Vegas, NV 89102
Attorney for Plaintiff

LAW OFFICES
MITCHELL D. GLINER
3017 W. Charleston Blvd.
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Las Vegas, Nevada 89102
(702) 870-8700

July 12, 2010

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Patenaude & Felix, A.P.C.
1771 E. Flamingo Rd., Ste. 112A
Las Vegas, NV 89119

Dear Sir:

I attach your July 1, 2010, missive. Regrettably, I am in absolutely no position to pay this debt as I am on the precipice of bankruptcy and thusly refuse to pay you debt collectors.

God bless all of you.

Your obedient servant,

Angela A. Hernandez

Enclosure

EXHIBIT 1

PATENAUDE & FELIX, A.P.C.

A PROFESSIONAL LAW CORPORATION

4545 MURPHY CANYON RD., 3RD FL
SAN DIEGO, CALIFORNIA 92123
TEL (858) 746-7609 (800) 832-7675
FAX (658) 836-0318

213 EAST MAIN STREET
CARNEGIE, PENNSYLVANIA 15106
TEL (412) 429-7675 (800) 832-7675
FAX (412) 429-7679

1771 EAST FLAMINGO RD., STE. 112A
LAS VEGAS, NEVADA 89118
TEL (702) 952-2032 (800) 867-3092
FAX (702) 952-5286

522 SW 5th AVENUE, STE. 1210
PORTLAND, OREGON 97204
TEL (503) 228-2676 (800) 832-7675
FAX (702) 952-5286

4727 44th AVENUE, STE. 103
SEATTLE, WASHINGTON 98116
TEL (800) 832-7675 (206) 906-9694

July 01, 2010

422609/460662

ANGELA A HERNANDEZ
2580 CARNATION WAY
PAHRUMP NV 89048-5358

RE: Our Client:	CAPITAL ONE BANK (USA) N.A. - NV (787-A)
Account Number:	5178057286333484
Our File Number:	10-67427
Balance Due:	\$2,560.11

Dear Angela A Hernandez:

Please be advised that the above-referenced debt has been assigned to this firm to initiate collection efforts regarding your delinquent outstanding balance to our client.

In the event that legal action is pursued and judgment is ultimately obtained against you, the judgment may include all court costs, prejudgment interest and attorney's fees in addition to the principal amount currently owed. If you wish to eliminate further collection action, please contact us at (800) 867-3092.

Unless you notify this office within THIRTY (30) days of receiving this notice that you dispute the validity of this debt, or any portion thereof, this office will assume this debt is valid.

If you notify this office in writing within THIRTY (30) days of receiving this notice that this debt, or any portion thereof, is disputed, this office will obtain verification of the debt, or a copy of a judgment against you, and mail you a copy of such verification or judgment. Further, if you make a written request upon this office within THIRTY (30) days of receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt and any information obtained will be used for that purpose.

Very truly yours,

LAW OFFICE OF PATENAUDE & FELIX

WESTLEY U. VILLANUEVA, ESQ.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR



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Track & Confirm

Search Results

Label/Receipt Number: 7005 2570 0000 3475 9105

Status: Delivered

Your item was delivered at 11:40 am on July 13, 2010 in LAS VEGAS, NV 89119. A proof of delivery record may be available through your local Post Office for a fee.

Additional information for this item is stored in files offline.

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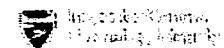
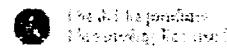


EXHIBIT 2

LAW OFFICES OF

PATENAUDE & FELIX, A.P.C.

A PROFESSIONAL LAW CORPORATION

4545 MURPHY CANYON RD., 3RD FL
SAN DIEGO, CALIFORNIA 92123
TEL (858) 244-7600 (800) 832-7675
FAX (858) 835-0318

213 EAST MAIN STREET
CARNEGIE, PENNSYLVANIA 15108
TEL (412) 429-7875 (800) 832-7575
FAX (412) 429-7879

1771 EAST FLAMINGO RD., STE. 112A
LAS VEGAS, NEVADA 89119
TEL (702) 952-2032 (800) 867-3092
FAX (702) 992-6285

522 SW 5th AVENUE, STE. 1210
PORTLAND, OREGON 97204
TEL (503) 208-2678 (800) 832-7575

4727 44th AVENUE, STE. 1C3
SEATTLE, WASHINGTON 98116
TEL (800) 832-7675 (206) 308-8694

September 01, 2010

422609/460662

ANGELA A HERNANDEZ
2580 CARNATION WAY
PAHRUMP NV 89048-5358

RE: Our Client: CAPITAL ONE BANK-(USA) N.A. - NV (787-A)
Account Number: XXXXXXXXXXXXXXX3484
Our File Number: 10-67427
Balance Due: \$2,594.53

Dear Angela A. Hernandez:

Please be advised that the above-referenced debt has been assigned to this firm to initiate collection efforts regarding your delinquent outstanding balance to our client.

In the event that legal action is pursued and judgment is ultimately obtained against you, the judgment may include all court costs, prejudgment interest and attorney's fees in addition to the principal amount currently owed. If you wish to eliminate further collection action, please contact us at (800) 867-3092.

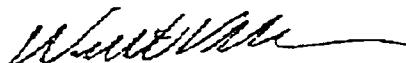
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This is an attempt to collect a debt and any information obtained will be used for that purpose.

Very truly yours,

LAW OFFICE OF PATENAUDE & FELIX



WESTLEY U. VILLANUEVA, ESQ.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR

EXHIBIT 3